

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MUSTAFA SHABAZZ,

Plaintiff,

vs

9:03-CV-1520

KANG LEE, Facility Health Director, Clinton
Correctional Facility; DANIEL A. SENKOWSKI,
Superintendent, Clinton Correctional Facility;
THOMAS G. EAGEN, Director, Inmate Grievance
Program; DAVID A. MILLER, Superintendent,
Eastern Correctional Facility; E. J. AVERSANO,
Registered Nurse, Eastern Correctional Facility;
PAULA OSTERHOLT, Registered Nurse II,
Eastern Correctional Facility; and ARLENE
BRANCH, Regional Director, Food and Nutritional
Services,

Defendants.

APPEARANCES:

OF COUNSEL:

MUSTAFA SHABAZZ

Plaintiff, Pro Se

82-A-3491

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

HON. ELIOT SPITZER

Attorney General of the

State of New York

Attorney for Defendants

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The Capitol

Albany, New York 12224

STEVEN H. SCHWARTZ, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

ORDER

Plaintiff, Mustafa Shabazz, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated September 18, 2006, the Honorable David R. Homer, United States Magistrate Judge, recommended that the defendants' motion for summary judgment be granted as to all defendants except Senkowski, and all causes of action; the complaint be dismissed without prejudice as to defendant Senkowski; and this action therefore be terminated in its entirety as to all defendants and all claims. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

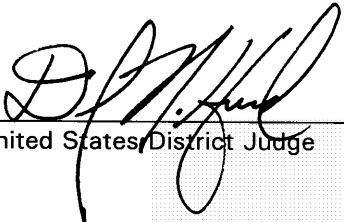
Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment is GRANTED as to all defendants except Senkowski, and all causes of action;
2. The complaint is DISMISSED without prejudice as to defendant Senkowski;
3. This action is terminated in its entirety as to all defendants and all claims; and
4. The Clerk shall file judgment accordingly.

IT IS SO ORDERED.

Dated: January 10, 2007
Utica, New York.


United States District Judge